OCT 2 8 2010

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JULI/	C. DUDLEY, CLERK
	DEBUTY/CLERK

UNITED STATES OF AMERICA,)
,) Case No. 5:07CR00063
) (Case No. 5:10CV80283)
v.)
) FINAL JUDGMENT AND ORDER
)
ISRAEL HERNANDEZ-HERNANDEZ,) By: Glen E. Conrad
) Chief United States District Judge
Defendant.)

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

DISMISSED as untimely, and the action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this judgment and order to the defendant.

ENTER: This 38 day of October, 2010.

Chief United States District Judge

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